

Remarks

Support for the amendments to claims 1 and 14 is found in original claim 6 and in the specification at the last two lines of page 2. As the total number of claims remains below 20, no new fee is required for this amendment.

The specification and abstract have been amended in response to the objections stated in the office action.

Claims 9 and 14 have been amended in response to the claim objections stated in the office action.

Claim 1 has been amended to further point out what the applicant regards as his invention. As amended, claim one specifies the dimensions of both the body and tab portions of the claimed tile.

Regarding the §102(b) rejections over Hisatomi et al, Horton and Snow et al.

None of these references describes a tile having the dimensions specified by the amended claims, and fails to anticipate them for at least that reason. The tabs of Horton are also not flat as required by both the original and amended claims of this application.

The examiner has already acknowledged the novelty of claims having the dimensions now recited by the claims, by virtue of not applying a §102(b) rejection against original claim 6, which contained these same dimensional limitations.

Regarding the §103 (a) rejections

Regarding Hisatomi et al., it would not be obvious to extend the length of what the examiner characterizes as “tabs” Hisatomi’s “tabs” are in reality the sides of a peripheral groove in the tile. See the text accompanying Hisatomi’s Figures 10 and 11. If these “tabs” were greatly extended in length, tiles could not be placed into

adjacent openings in Hisatomi's mesh, because the "tabs" of adjacent tiles would dislodge each other.

The present invention is not obvious over Newell or any combination of Newell with Snow or other cited reference. Newell's tile, as illustrated in Figures 9 and 10, includes a tongue 19 that does not fit between a pair of parallel strand of the mesh, but instead fits around the strands, as illustrated in his Figure 10. Newell's tile therefore is attached to an underlying mesh in a different way than either the present invention or Snow. Using a polymer material to make Newell's tile does not cure these basic deficiencies of the Newell reference or adjusting the size of Newell's tongue does not lead to the present invention.

It would not be obvious to adjust the size of Snow's tiles to the dimensions in the present claims. Snow's tile is designed to fill an area equivalent to that of two openings in a chain link fence, rather than the single opening that is to be filled by Applicant's tiles. It is therefore necessary for Snow's tiles to extend at least one-half way into mesh openings that are adjacent to that opening over which Snow's tile is centered. For any standard chain link fence, this requires that Snow's tile extend in excess of 3/4" into those adjacent openings. Reducing the size of Snow's tiles defeats the design and planned operation of his tiles.

A notice of allowance is respectfully requested.

Respectfully submitted,
GARY C. COHN PLLC

Gary C. Cohn
Registration No. 30,456
Phone: (215) 931-0372
1147 N. 4th Street
Unit 6E
Philadelphia, PA 19123